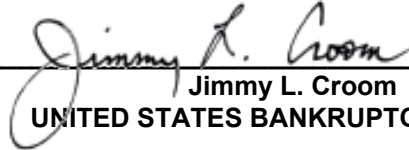




**Dated: November 21, 2018**  
**The following is SO ORDERED:**

  
Jimmy L. Croom  
UNITED STATES BANKRUPTCY JUDGE

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE

In re:	)	
	)	Chapter 11
GILES NATHAN REPLOGLE	)	
and BETTY CARROLL	)	Case No. 17-12183
REPLOGLE	)	
	)	Judge Jimmy L. Croom
Debtors.	)	
	)	

ORDER GRANTING EXPEDITED MOTION TO ENFORCE COURT'S  
DECEMBER 29, 2017 ORDER

This matter came before the Court on November 15, 2018 on FHL Industries, LLC's Expedited Motion to Enforce Court's December 29, 2017 Order (DE #121) (the "Motion to Enforce"), TN BIDCO's Limited Objection (DE #131), and Debtors' Response in Opposition (DE #140).

The Court conducted an evidentiary hearing at which three witnesses testified: Charles Lepenski, Tommy Fox, and Samuel Fox. The Court considered the evidence, the motion, the responses, and the arguments of counsel.

At the conclusion of the hearing, the Court issued its findings of fact and conclusions of law pursuant to Federal Rule of Bankruptcy Procedure 7052, as made applicable to this contested matter by Federal Rule of Bankruptcy Procedure 9014. The statements by the Court are hereby incorporated by reference as if set forth fully herein.

With regard to the issues between FHL and the Debtors, the Court concludes that the Motion to Enforce should be granted and that FHL is entitled to the relief it seeks against the Debtors. Debtors' position is that the only items sold were those listed on Exhibit A to Debtors' Motion to Sell (DE # 39). The Court disagrees. Paragraph 2 of the Court's December 29, 2017 Order provides that "Debtors are authorized to sell . . . the Personalty, which includes all of the assets that relate to the operation of affiliated Debtors Replogle Hardwood Flooring Company, LLC and Replogle Enterprises, G.P. . . ." (DE # 50 at pp. 2-3, ¶ 2). That includes all personal property of the Debtors, whether listed on Exhibit A to Debtors' Motion or not. The Court's December 29, 2017 Order is clear and no corroboration is needed, but even if corroboration was required, it is provided by the Asset Purchase Agreement executed by the Debtors. (DE # 121-1). In the Asset Purchase Agreement, Debtors agreed to sell all of their personal property used in the operation of Replogle Hardwood Flooring

Company, LLC or Replogle Enterprises, G.P., “even if such personal property is not listed on the Exhibits.” (DE 121-1 at p. 2 of 11).

Accordingly, as between FHL and Debtors, the Motion to Enforce is GRANTED. Debtors are ordered to immediately turn over to the auctioneer any inventory, equipment or other personal property that was used in the operation of Replogle Hardwood Flooring Company, LLC or Replogle Enterprises, G.P., even if such personal property was not specifically listed on Exhibit A to Debtors’ Motion to Sell. This excludes only any personal property that FHL subsequently sold back to Debtors or their affiliates. Debtors are further ordered not to interfere with the auction process.

With regard to BIDCO’s limited objection, the Court took under advisement the issue of whether the kilns are personal property or fixtures. The Court will issue a subsequent Order on this issue prior to the auction date of December 7<sup>th</sup>.

**IT IS SO ORDERED.**

*This order was signed and entered electronically as indicated at the top of the first page.*

Respectfully Submitted for Entry:

/s/ Michael G. Abelow

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*Counsel for FHL Industries, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20<sup>th</sup> day of November, 2018, a true and correct copy of the foregoing Proposed Order was served by operation of the Court's e-filing system upon all users accepting electronic service. In addition, copies were served by first class mail, postage prepaid, and email upon the following:

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/s/ Michael G. Abelow

Michael G. Abelow